

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MARIO LOPEZ-OVIEDO,

Plaintiff,

-against-

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION  
08-CV-1909 (JS)(ARL)

JOAN MARVIN, IRA MARVIN, ROBERT FUNK,  
ROBERT'S HANDYMAN SERVICE, and  
ONE WORLD TECHNOLOGIES, INC.,

Defendants.

-----X  
JOAN MARVIN and IRA MARVIN,

Third-Party Plaintiffs,

-against-

T/A SOLANO CONSTRUCTION,

Third-Party Defendants.

-----X

APPEARANCES:

For Plaintiff: Gary R. Novins, Esq.  
Ginarte, O'Dwyer & Winograd, LLP  
225 Broadway, 13th Floor  
New York, NY 10007

For Defendants:  
Joan Marvin and April Joyce Laws, Esq.  
Ira Marvin Joseph T. Redd, Esq.  
O'Connor Reed, LLP  
200 Mamaroneck Avenue  
White Plains, NY 10601

Robert Funk and John W. Hoefling, Esq.  
Robert's Handyman Kelly, Rode & Kelly  
Service 330 Old Country Road, Suite 305  
Mineloa, NY 11501

One World No appearance  
Technologies, Inc.

For ThirdParty No appearance  
Defendant T/A  
Solano Construction

SEYBERT, District Judge:

Magistrate Judge Arlene R. Lindsay issued a Report and Recommendation ("R&R") on August 14, 2009. As part of the R&R, Judge Lindsay warned that any objections were to be filed with the Clerk of the Court within ten days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court ADOPTS the R&R in its entirety. Accordingly, the Clerk of the Court is directed to enter a judgment of default in favor of Joan Marvin and Ira Marvin (the "Marvins") against third-party defendant T/A Solano Construction ("Solano"). Upon resolution of the underlying action by Plaintiff, Mario Lopez-Oviedo, the Court will determine the damages, if any, to which the Marvins are entitled from Solano.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: September 14, 2009  
Central Islip, New York